

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **HECTOR LUIS PENA DE LEON**CASE NO: **17-06462-BKT**

Debtor(s)

Chapter 13**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***Total Agreed: **\$0.00** Paid Pre-Petition: **\$0.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$119,136.00**

Liquidation Value: \$332,083.00 Estimated Priority Debt: \$0.00**If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$332,083.00**With respect to the (amended) Plan date: **Feb 13, 2018 (Dkt 27)** **Plan Base: \$50,700.00****The Trustee:** ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **100 %****The Trustee objects to confirmation for the following reasons:**

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is in arrears for the amount of \$850.00 (1 month).

- Still pending Motion requesting entry of order (AMENDED) RE: Modification of Plan Payment Schedule. (docket no. 31)

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

-- Debtor has failed to comply Tax filing requirements. Debtor must amend the 1040PR for the years 2014 and 2016, the document submitted to our system is not stamped (for a second time). Transcripts must be submitted.

***OTHER COMMENTS / OBJECTIONS**

Debtor's counsel has failed to submit form 2016 (2030)(for the attorney fees.)

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the

granted unless: (i) the requested relief is forbidden by law, (ii) the requested relief is against public policy, or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.

Date: March 01, 2018

CHAPTER 13 TRUSTEE

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/s/ Juliell Perez, Esq.

Last Docket Verified: 29 Last Claim Verified: 5 CMC: RC